

**Minutes of Regular Meeting August 23, 2011**  
**One Twin Pines Lane, Council Chambers**

**SPECIAL MEETINGS**

**CLOSED SESSION - 6:00 P.M.**

- A. Conference with Legal Counsel pursuant to Government Code Section 54956.9(a), Existing Litigation, One Case, Andrew Kim v. City of Belmont, Case #504877
- B. Conference with Labor Negotiator, Greg Scoles, pursuant to Government Code Section 54957.6: BPOA
- C. Conference with Legal Counsel pursuant to Government Code Section 54956.9(b), Anticipated Litigation, Significant Exposure to Litigation, One Case
- D. Conference regarding Public Employee Performance Evaluation Pursuant to Government Code Section 54957: City Manager
- E. Conference regarding Public Employee Appointment Pursuant to Government Code Section 54957: City Attorney

Attended by: Councilmembers Feierbach, Braunstein, Wozniak, Lieberman, City Manager Scoles, Interim City Attorney Kane, Police Chief Mattei, Police Lieutenant Halleran, Community Development Director DeMelo, Finance Director Fil, Human Resources Director Dino, Labor Consultant Diana Doughtie. Councilmember Warden was absent, and Deputy City Clerk Plut was excused from attending.

**RECESS:** to regular meeting at this time being 7:35 P.M. to Continued Closed Session Following Adjournment of Regular Meeting (A, C and D).

**Jozi Plut**  
**Deputy City Clerk**

This meeting was not audio or video recorded

**REGULAR MEETING –**  
**CALL TO ORDER 7:40 P.M.**

**ROLL CALL**

COUNCILMEMBERS PRESENT: Feierbach, Lieberman, Wozniak, Braunstein

COUNCILMEMBERS ABSENT: Warden

Staff Present: City Manager Scoles, Interim City Attorney Kane, Finance Director Fil, Human Resources Director Dino, Community Development Director DeMelo, Parks and Recreation Director

Gervais, Police Chief Mattei, Interim Fire Chief Fry, Lieutenant Halloran City Treasurer Violet, Deputy City Clerk Plut

### **PLEDGE OF ALLEGIANCE**

Led by Noah Marcelo and Nicholas Lopez of Belmont-Redwood Shores Little League 9/10 All-Star Team

### **REPORT FROM CLOSED SESSION**

Interim City Attorney Kane stated that direction was given but no action was taken during the Closed Session held previously.

### **SPECIAL PRESENTATIONS**

#### **Proclamation Honoring Little League Team**

Mayor Feierbach read the proclamation. She introduced the individual players and congratulated them on their success.

Coach Rudy accepted the proclamation and thanked the residents of Belmont and Redwood Shores for their support.

Councilmember Lieberman congratulated the team and thanked the coaches and managers for their dedication to the players. He encouraged the players to continue with the sport.

#### **Presentation from Peninsula Conflict Resolution Center (PCRC) for their proposed services.**

**Ann Bers**, Manager of Mediation Programs, stated that she has been affiliated with Peninsula Conflict Resolution Center (PCRC) for fifteen years. She stated that PCRC's mission is to foster collaborative engagement and their goal is to have a good quality of life in San Mateo County. She noted that many of their cases are not public due to strict confidentiality rules and respect for privacy. She explained the process of conflict resolution and building skills to foster confidence in resolving future conflicts on their own. She clarified the difference between mediation and arbitration.

She stated that PCRC aides the underserved of the communities by helping them engage with the decision makers in their lives. She explained PCRC's role in the community through their work with schools, police departments and neighborhood watch groups. She stated that forty percent of their budget is funded by public funding and they rely on contracts, grants and donations to cover operating costs. She noted that fees are kept low to keep them from being a barrier for the service. She stated that City Contracts help support the programs offered she noted that these contracts and are based on specific arrangements with PCRC. She stated that in Belmont information, referral and assistance are provided to its residents through its contract with PCRC.

Police Lieutenant Halleran stated that a PCRC contact will be presented to the City Council at a subsequent meeting for its approval.

## **PUBLIC COMMENTS AND ANNOUNCEMENTS**

**Peter Perry**, Belmont resident stated his disappointment with the Basic Cable Service from Comcast. He read a letter from Comcast regarding digital TV. He noted his disappointment that Channel 17 has been removed from the basic service. He commended the coaches of the Little League Team on a job well done.

City Manager Scoles noted that he has received correspondence from Mr. Perry and is looking into the issue but was skeptical as how much could be done.

## **COUNCIL MEMBER COMMENTS AND ANNOUNCEMENTS**

Mayor Feierbach stated that Belmont schools are back in session and she encouraged drivers to exercise care on Belmont streets. She noted that there is a fifth Tuesday this month, August 30<sup>th</sup> and there is no council meeting or study session scheduled that evening. She announced that the Parks and Recreation Department will be hosting Movie Night in Twin Pines Park on Friday August 26<sup>th</sup>. She stated that she and Councilmember Wozniak attended a Managing Cities in a Time of Change presentation at which reasonably priced housing for seniors was addressed.

## **AGENDA AMENDMENTS**

Councilmember Braunstein Stated that he will abstain from voting on the minutes of the Special and Regular Meeting of August 9, 2011 since he was absent from that meeting. He also requested the removal of Item 4-C (Ordinance Amending Belmont Municipal Code Chapter 25 as Related to the Assessment and Protection of Trees) for comment.

Deputy City Clerk Plut noted members of the Public requested the removal of Item 4-D (Resolution Approving Establishment of a 65-foot "No Parking" Zone on the South Side of Masonic Way at Old County Road to Improve Safety for Bicyclists). She also noted that there is a clerical change on the Minutes of the Special and Regular Meeting of July 12, 2011, to correct the title of Lieutenant Halleran.

## **ITEMS REMOVED FROM THE CONSENT CALENDAR FOR SEPARATE CONSIDERATION**

### **Resolution Approving Establishment of a 65-foot "No Parking" Zone on the South Side of Masonic Way at Old County Road to Improve Safety for Bicyclists**

**Bill Schwarz**, Belmont Business owner, stated that the parking proposed to be eliminated on Masonic is crucial to the businesses in the area. He noted that he understood that bicyclists' safety is important but was hoping another configuration would be considered.

**Sushil Kalra**, Belmont Business owner, stated that he does not support the establishment of a 65-foot "No Parking" Zone. He noted that parking is crucial to his UPS store.

**Phvoc T. Le (Peter)**, Belmont Business owner, stated that his business needs the parking spaces currently available and he is not in support of the proposed no parking zone.

**Vivian Lai**, stated that she is representing her mother the owner of the Tranquil Health Center and is objecting to the elimination of the parking on the south side of Masonic Way. She stated that there is no history of accidents in the area.

Public Works Director Oskoui stated that the bicycle lane is a Class Two dedicated bicycle lane and that allowing parking on the lane is a violation of the Vehicle Code and a concern for bicyclists. He noted that with the upcoming opening of the 101 Pedestrian Bicycle Bridge, more bicycle traffic is anticipated.

Discussion ensued regarding the establishment of a 65 foot No Parking zone.

**ACTION:** On a motion made by Councilmember Lieberman, seconded by Councilmember Braunstein, and approved by a show of hands 4-0 (Warden absent), Item 4-D (Resolution Approving Establishment of a 65-foot “No Parking” Zone on the South Side of Masonic Way at Old County Road to Improve Safety for Bicyclists) was continued to a date uncertain and referred to the Traffic and Safety Committee for consideration.

**Ordinance Amending Belmont Municipal Code Chapter 25 As Related to The Assessment and Protection of Trees (second reading and adoption) for comment**

In response to Councilmember Braunstein, Community Director De Melo stated the ordinance provides for opportunity for amendments in the one year review.

Councilmember Braunstein stated that he has some reservations about the ordinance but is satisfied knowing that it can be amended in one year if it is not serving the residents as intended.

**ITEMS APPROVED ON CONSENT CALENDAR**

**Approval of** Minutes of Special and Regular Meeting of August 9, 2011

**Acceptance of** Informational Report for the U.S. Highway 101 Pedestrian Bicycle Bridge Project, City Contract Number 433

**Approval of** Resolution 10411 Authorizing a Purchase Order for Unleaded Gasoline and Diesel Fuel from Valley Oil Company for an Amount not to Exceed \$ 25,000

**ACTION:** On a motion made by Councilmember Wozniak and seconded by Councilmember Lieberman the consent calendar was approved as amended by a show of hands 4-0 (Warden absent)

**NEW BUSINESS**

**Discussion and Direction Regarding Ordinance Regulating Large Family Daycare Operations**

Community Development Director De Melo stated that this item was added to the Council Priority

Calendar during their Priority Calendar review in the Spring of 2011. He noted that the City does not currently have a Large Family Daycare Operations Ordinance. He stated that these types of operations receive their permit to operate through the State of California Community Care Licensing Division (CCLD). He noted the local daycare regulations are provided through the California Health and Safety Code. He stated that the zoning regulations prescribed by the State on large family daycare homes must embody reasonable standards and must relate to reasonable and specific factors based on space and concentration, traffic, parking and noise.

Community Development Director De Melo noted that the State allows three options when establishing large family daycare operations ordinances. Option one is to not have any specific regulation known as by-right uses which require a business license only. Option two provides that a non-discretionary use permit is provided which embodies the reasonable standards regulations required by the State. Option three embodies all the attributes of option two but requires a public noticing of a one hundred foot radius of the proposed large family daycare operation. A hearing is not required unless requested by the applicant or other affected person. He noted that California State Health and Safety Code does not preclude cities from placing other restrictions on the large family daycare operations so long as they are not more restrictive than a single family home use.

In response to Councilmember Wozniak, Community Director De Melo stated that Belmont currently has nine family daycare operations caring for nine or more children which require a business license and are subject to regular inspections by the State Fire Marshall and the Community Care Licensing Division.

**Guy Carlson**, Belmont resident, expressed his support for option three. He stated that the City has good provisions in its business license requirements as it relates to traffic and the amount of square footage that can be devoted to a daycare in a residential area. He stated that he is in support of those requirements for the new ordinance.

Councilman Lieberman stated that he is in support of regulating large family daycare within reason and within the purview of State regulations. He stated that regulating the density of this type of business would benefit homeowners. He suggested that staff inquire as to the regulations of other cities. He expressed his support for noticing nearby residents of the business.

Councilmember Braunstein stated that he concurred with Councilmember Lieberman, and noted that the Police and Fire Chief are consulted in the process for public safety considerations. He suggested seeking input from existing daycare operators on any proposed ordinance.

Councilmember Wozniak expressed support for large family daycare operations. She noted that the ordinance should not interfere with the business, as they are allowed by the State. She stated that safety is most important, and she would support a 300-foot radius notification.

Mayor Feierbach stated that she supports using the State's regulations as a guide for a Belmont large family daycare operations ordinance.

Discussion ensued.

Community Development De Melo stated that based on direction as a result of tonight's discussion, he will pursue option three for a proposed Large Family Daycare Operation Ordinance.

## **COMMISSION, COMMITTEE, AND COUNCIL INTERGOVERNMENTAL ASSIGNMENT UPDATES, AND STAFF ITEMS**

### **Designation of Voting Delegate for The Annual League of California Cities Conference**

City Manager Scoles stated that he would be attending the conference, as will Councilmember Braunstein.

Council concurred to bring the item back for direction regarding the resolutions to be considered.

**ACTION:** On a motion by Mayor Feierbach and seconded by Councilmember Wozniak Councilmember Braunstein was selected as the voting delegate for the Annual League of California Cities Conference by a show of hands. 4-0 (Warden absent).

### **Verbal report from Councilmembers on Intergovernmental (IGR) and Subcommittee Assignments**

Councilmember Wozniak stated that at a recent City/County Association of Governments (C/CAG) meeting, Pacific Gas and Electric (PG&E) reported on changing their business strategies after the San Bruno Incident. She stated that those in attendance wanted to see more oversight of PG&E practices. She stated that the San Mateo Rail Program meeting had a presentation on the High Speed Rail (HSR)/CalTrain blended approach. She noted that modeling is indicating that an additional eight miles of track will be needed for passing for HSR trains from San Jose to San Francisco.

Public Workers Director Oskoui stated the South Bayside System Authority (SBSA) Mater Plan was presented at a recent SBSA meeting.

Councilmember Braunstein stated that Kindergarten enrollment, redistricting, Cipriani Dog Park, and the Redevelopment Pass-through monies were among many updates presented at a recent 2x2 meeting which he attended. He stated that most interest was shown to the School District's Facilities Master Plan Updates. He stated that Ralston Middle, Fox, Nesbit and Redwood Shores Elementary Schools will be upgraded in 2012, as well as Ralston, Fox, Cipriani and Central in 2013 due to money from a recent bond measure. He stated that some field use will be impacted due to these upgrades.

### **Verbal Report from City Manager**

City Manager Scoles stated that Fire Department Administrative offices remodel will begin in the next week. He stated that Oral Arguments for the California Redevelopment Association and League of California Cities lawsuits will be occurring prior to the end of the year by the California Supreme

Court. He noted that an update will be provided in upcoming City Council meetings. He stated that painting is being completed on the Highway 101 Pedestrian Bike Bridge, and that plans are underway for installing the unique railing on the bridge, which may require some additional night work. He stated that the 2011 Pavement Project is substantially complete.

Councilmember Braunstein thanked the Police Department for its recent work in apprehending the burglary suspects. Police Chief Mattei stated that residents should continue to lock their doors and be on guard and report suspicious activity in their neighborhoods.

**ADJOURNMENT** at this time being 9:30 P.M. to consider the Belmont Fire Protection District Agenda.

**RECONVENE** at this time being 9:40 P.M.

**ACTION:** On a motion made by Councilmember Lieberman and seconded by Councilmember Wozniak, Consent Calendar Item 4-A (Minutes of Special and Regular Meeting of August 9, 2011) were reconsidered to reflect changes requested by Mr. Perry.

**ADJOURNMENT** at this time being 9:45 P.M. to consider Closed Session Items A, C and D.

**CONTINUED CLOSED SESSION – 9:45 P.M.**

- A. Conference with Legal Counsel pursuant to Government Code Section 54956.9(a), Existing Litigation, One Case, Andrew Kim v. City of Belmont, Case #504877
- C. Conference with Legal Counsel pursuant to Government Code Section 54956.9(b), Anticipated Litigation, Significant Exposure to Litigation, One Case
- D. Conference regarding Public Employee Performance Evaluation Pursuant to Government Code Section 54957: City Manager

Attended by: Councilmembers Feierbach, Braunstein, Wozniak, Lieberman, City Manager Scoles, Interim City Attorney Kane, Community Development Director DeMelo, Police Chief Mattei, Councilmember Warden was absent, and Deputy City Clerk Plut was excused from attending.

**ADJOURNMENT** at this time being 10:45 P.M.

**Jozi Plut**  
**Deputy City Clerk**

Meeting video and audio recorded  
Audio recording 795 (Closed Session not recorded)